

REMARKS / DISCUSSION OF ISSUES

Claims 4-7, 12, and 16-21 are pending in the application.

Claims are amended for non-statutory reasons: to correct one or more informalities. The claims are not narrowed in scope and no new matter is added.

The Office action rejects claims 4-7, 12, and 16-21 under 35 U.S.C. 102(e) over Yokoi (USP 6,213,871). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 4, upon which claims 5-7 and 12 depend, claims a method for use with a host and for interacting with an item, including receiving identity information from the item at the host, in response to proximity conditions between the host and the item, presenting to a user an associated service field at the host in response to the identity information, and transmitting information from the host to the item, for storage at the item. Claim 16, upon which claims 17-21 depend, includes similar limitations.

Yokoi fails to teach receiving identity information from the item at the host, fails to teach responding to proximity conditions between the host and the item, fails to teach presenting to a user an associated service field at the host in response to the identity information, and fails to teach transmitting information from the host to the item for storage at the item.

Yokoi teaches a simulation system wherein a user interacts with software created virtual creatures on a host display screen.

The Office action asserts that the virtual creature that appears on Yokoi's host display screen corresponds to the applicants' claimed item that communicates with the host. Using this asserted correspondence, the applicants respectfully note that the host does not receive identity information from the software created virtual creature; an application program running on the host creates the item, and creates its identity.

Yokoi's virtual creature is a software construct, it can neither transmit, receive, nor store information from a host, as specifically claimed in claims 4 and 16.

The applicants further note that a software created virtual creature that is displayed on a screen does not have an actual presence relative to the host, and thus the concept of the virtual creature being in proximity with the host is meaningless. Even assuming, in argument, that Yokoi's virtual creature could transmit, receive, and store information, Yokoi's virtual creature cannot be said to transmit its identity to the host in response to proximity conditions between the host and the virtual creature.

The Examiner references proximity conditions between two of Yokoi's software created virtual creatures. The applicants respectfully note, however, that the claimed proximity condition is between the host and the item, and not between two items.

Additionally, Yokoi cannot be said to teach presenting a service field to a user in response to received identity information from the virtual creature because the service field must exist before the software created virtual creature can be displayed in the service field.

Because Yokoi fails to teach each of the elements of each of the applicants' independent claims, the applicants respectfully maintain that the rejection of claims 4-7, 12, and 16-21 under 35 U.S.C. 102(e) over Yokoi is unfounded, per MPEP 2131, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Registration Number 41,508
Phone: 804-493-0707
Fax: 215-243-7525

Please direct all correspondence to:
Yan Glickberg, Esq.
Philips Intellectual Property and Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615